

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-NE-012		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/005288	International filing date (day/month/year) 14.04.2004	Priority date (day/month/year) 14.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant NEC CORPORATION			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005288

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1-32 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. 5-7, 12-14, 16, 18 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-4, 8-11, 15, 17 received by this Authority on 11.11.2004

nos.* _____ received by this Authority on _____

- ☒ the drawings:

sheets fig. 1-28 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005288

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	6-7, 13-18	YES
	Claims	1-5, 8-12	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: Keiichi SHIMIZU et al., "RNC Fuka Bunsan Hoshiki no Kento", 2002 Nen The Institute of Electronics, Information and Communication Engineers, Sogo Taikai Koen Ronbunshu, B-5-25, 7 March 2002			
Document 2: Kempf, J. et al., "OpenRAN: a new architecture for mobile wireless internet radio access networks", IEEE Communications Magazine, Vol.40, No.5, May, 2002, pages 118 to 123			
Claims 1-5 and 8-12			
Documents 1 and 2 disclose radio control devices for mobile communication systems, wherein the first control means performing the signalling transfer control and the second control means performing transfer control of user data are physically separated.			
Moreover, it would not be particularly difficult to make the protocol that controls Node B used in call processing and cell setting the same by separating the CPE and the UPE.			
Therefore, the inventions set forth in claims 1-5 and 8-12 do not involve an inventive step in the light of			

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International application No.

PCT/JP2004/005288

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

documents 1 and 2.

Claims 6-7 and 13-18

The inventions set forth in claims 6-7 and 13-18 would not appear to be obvious from the disclosures in documents 1 and 2.

The amendments made to claims 1-4, 8-11, 15 and 17 submitted with correspondence dated 11 November 2004 contain the phrase "the protocol that controls Node B used in call processing and cell setting is the same", but it is unclear where this appears in the description as initially filed.